

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11 are currently pending. Claim 1 is hereby amended. Claims 7 and 11 are canceled without prejudice or disclaimer of subject matter.

II. THE REJECTIONS UNDER 35 U.S.C. § 101 and 35 U.S.C. § 112

Claims 7 and 11 were rejected under 35 U.S.C. § 101 and 35 U.S.C. § 112. Claims 7 and 11 have been canceled without prejudice or disclaimer of subject matter.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 1,993,398 to Cislak ("Cislak"). Claim 11, now canceled, was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cislak in view of U.S. Patent No. 6,468,248 to Gibbs ("Gibbs").

As recited in independent claim 1, the instant invention is directed to *inter alia*:

"A tool holder (1; 21) **for receiving a flexibly deformable tool...**

and means (5, 13; 28, 29) which keep the tool (12; 26) in position and are arranged in such a way that **the axis of the tool (12; 26) in the operating phase is not parallel to the axis of the body (2; 22)**" (Emphasis added).

The relied upon portions of Cislak do not teach or disclose the above identified features of claim 1. According to the Office Action, Cislak relates to a tool holder with an elongated body, a channel, a cylindrical part of the channel and a widened part of the channel, a means for keeping a tool in position, and a generatrix of the widened channel parallel to the axis of the cylindrical part.

Cislak does not teach or suggest a “tool holder (1; 21) **for receiving a flexibly deformable tool** ... and means (5, 13; 28, 29) which keep the tool (12; 26) in position and are arranged in such a way that **the axis of the tool (12; 26) in the operating phase is not parallel to the axis of the body (2; 22).**” (Emphasis added). Rather, Cislak relates to a means of keeping a tool in a position that is parallel to the axis of the body, as clearly shown in Figure 1. As such, Cislak does not teach or suggest all limitations of the present invention.

In addition, a skilled artisan would not successfully arrive at the claimed invention by using the teachings of Cislak. In Cislak, the means of holding the tool in position is attached directly to the body via a thread engagement as shown in Figure 2. Because of this type of engagement, it is not possible to alter the angle of the axis of the tool in Cislak such that it is not parallel to the axis of the body. The attachment of the means to the body in Cislak ensures that the axis of the tool is parallel to the axis of the body. Therefore, given the design of the Cislak device, a skilled artisan would not expect to successfully arrive at the present invention wherein the axis of the tool is not parallel to the axis of the body.

For at least the foregoing reasons, Applicants submit that independent claim 1 is patentable over the relied upon portions of Cislak.

III. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

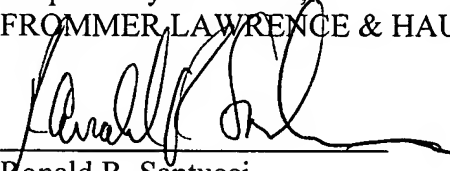
In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER, LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800